



JPW

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application Of: Harris, et al.

Examiner: n/a

Serial No.: 10/699,522

Group No. 2877

Filed: 10/31/2003

Docket No.: 88030078

For: **NON-CONTACT PROFILE MEASUREMENT SYSTEM**

RESPONSE TO RESTRICTION REQUIREMENT

Honorable Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In regard to the restriction requirement in the Office action of 06/26/2007, Applicant submits the following response.

Remarks

This is a full and timely response to the outstanding non-final Office action dated 06/26/2007. The examiners require the applicant to elect to prosecute one of two (2) groups of claims identified in the office action. In response to the restriction requirement, applicant respectfully elects to prosecute the claims of Group I corresponding to claims 1 - 21, with traverse, as set out hereafter.

As provided in 35 USC §121, restriction to one of two or more claimed inventions is proper only if the inventions are "independent and distinct." In its discussion of the propriety of restrictions, MPEP § 803 further provides that if search and examination of